

To: Lamparello, Dawn Monsen[Dawn.Lamparello@klgates.com]; Hyatt, Jr., William[william.hyatt@klgates.com]
From: Zizila, Frances
Sent: Thur 10/6/2016 3:08:30 PM
Subject: FW: Passaic River 17 Mile Revised Draft BERA

Bill and Dawn,

I apologize for the delay in reaching out to you but, as you know, we have had a busy week here at Region 2.

The correspondence below was exchanged between Michael Sivak, the Acting Chief of the Special Projects Branch, and Rob Law late afternoon on Monday regarding the delay in the submission of the revised draft BERA. As stated in the email, EPA Region 2 believes that an extension of time is not warranted for the submission that was due on Monday, October 3, 2016. Consequently, under the Administrative Order, stipulated penalties started accruing on Tuesday, October 4, 2016. We encourage the CPG to submit this report as soon as possible. We reserve the right to demand payment of stipulated penalties under the Order.

Please let me know if you would like to discuss this further.

Thank you,

Frances M. Zizila

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From: Sivak, Michael
Sent: Monday, October 03, 2016 5:37 PM
To: Robert Law <rlaw@demaximis.com>
Cc: LaPoma, Jennifer <LaPoma.Jennifer@epa.gov>; Zizila, Frances <Zizila.Frances@epa.gov>
Subject: Passaic River 17 Mile Revised Draft BERA

Rob,

Thank you for the conversation earlier today, during which you asked for an extension of the due date for the revised draft BERA, which is due today, October 3, 2016.

As a reason for this extension request, you cite additional time needed to address issues raised by the CPG in its September 12 letter. However, all issues raised in that letter had been discussed previously during the year; there were no new issues raised.

Under these circumstances, EPA does not believe that an extension is warranted, and the due date for the revised draft BERA remains October 3, 2016. Stipulated penalties under the AOC will begin to accrue under Section XVI, paragraph 67, for failure to submit on time a revised draft BERA pursuant to the schedule EPA required, and these stipulated penalties will continue to accrue until the revised draft BERA is submitted. I encourage you to submit the revised draft BERA as soon as possible.

EPA reserves the right to seek payment of stipulated penalties under Paragraph 71 of the AOC.

Michael Sivak
Acting Chief, Special Projects Branch
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